

IN THE SENATE

SENATE BILL NO. 1335, As Amended in the House

BY HEALTH AND WELFARE COMMITTEE

AN ACT

RELATING TO IMMUNIZATION; AMENDING SECTION 39-4803, IDAHO CODE, TO REMOVE A CERTAIN AUTHORIZATION REQUIREMENT FOR INCLUSION IN THE REGISTRY, TO PROVIDE FOR EXCLUSION FROM THE REGISTRY UPON A CERTAIN STATEMENT THAT MAY NOT BE PART OF A GENERAL AUTHORIZATION OR RELEASE, TO CLARIFY THE PURPOSES FOR WHICH THE REGISTRY SHALL BE MAINTAINED AND FOR WHICH THE REGISTRY INFORMATION SHALL BE DISCLOSED, TO CLARIFY THAT CERTAIN INFORMATION SHALL BE INCLUDED IN THE REGISTRY AND TO CLARIFY THAT DISCLOSURE OF REGISTRY INFORMATION SHALL BE LIMITED TO CERTAIN PERSONS; AND AMENDING SECTION 39-4804, IDAHO CODE, TO REVISE NOTIFICATION REQUIREMENTS AND TO PROVIDE THAT CERTAIN DECISIONS OF THE PARENT OR GUARDIAN SHALL NOT BE USED AGAINST THE PARENT OR GUARDIAN IN CERTAIN ACTIONS.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 39-4803, Idaho Code, be, and the same is hereby amended to read as follows:

39-4803. IMMUNIZATION REGISTRY. (1) The department of health and welfare shall provide for the establishment of a voluntary registry of the immunization status of Idaho children against childhood diseases. The registry ~~may~~ shall be maintained and its data disclosed as set out herein to further the following purposes:

- (a) To make immunizations readily available to every Idaho citizen that desires to have their child immunized;
- (b) To increase the voluntary immunization rate in Idaho to the maximum extent possible without mandating such immunizations;
- (c) To recognize and respect the rights of parents and guardians to make health care decisions for their children; and
- (d) To provide for timely reminders to parents of children in the registry.

(2) The name of a child ~~or~~ and information relating to the immunization status of that child ~~may~~ shall be collected ~~or~~ and included in the registry ~~only upon the separate and specific written authorization of~~ unless a parent, guardian or other person legally responsible for the care of the child chooses not to have the child included in the registry upon a specified written statement. Such ~~authorization statement~~ may not be part of a general authorization or release. The registry ~~may~~ shall contain ~~only~~ the following information for each child:

- (a) The child's name, address and birth date;
- (b) The name and address of each parent of the child;
- (c) The month, day, year and type of each immunization that has been administered to the child;
- (d) The name, address and phone number of each provider that has administered an immunization to the child;

(e) If requested by a parent or guardian, any statement made pursuant to subsection (4) of this section; and

(f) Other information as authorized or requested by a parent or guardian.

(3) The department of health and welfare ~~may~~ shall only disclose information relating to an individual child in the registry to the following upon a specific request:

(a) Employees of the health district in which the child resides or seeks medical services;

(b) Health records staff of the school or school district in which the child is enrolled;

(c) The operator of a licensed ~~child~~ daycare facility in which the child is enrolled;

(d) Persons who are legally responsible for the long-term care of the child, including operators of licensed ICF/MR's and residential or assisted living facilities, adoptive and foster parents and a guardian appointed pursuant to chapter 5, title 15, Idaho Code;

(e) Any health care provider rendering treatment to the child, and the provider's agents;

(f) Any person possessing a lawful release, properly executed by the child's parent or guardian;

(g) A parent of the child; or

(h) Any hospital where the child is receiving care.

(4) A parent or guardian of the child shall have free and open access to all information in the registry that relates to their child or themselves. Upon the written request of a parent or guardian, the department of health and welfare shall:

(a) Cause all information relating to the child to be removed from the registry and any databases or files of other entities or persons to which information in the database has been disclosed;

(b) Include in the registry the statement of a physician or parent pursuant to section 39-4802(2) or 39-1118(2), Idaho Code.

(5) All information contained in the registry or disclosed from it is confidential and may not be sold and may only be disclosed as specifically authorized in this section. A person or entity to whom information is disclosed from the registry may not thereafter disclose it to others. Any person who discloses or authorizes disclosure of any information contained in the registry, except as authorized in this section is guilty of a misdemeanor and is liable for civil damages in the amount of one hundred dollars (\$100) for each violation.

SECTION 2. That Section 39-4804, Idaho Code, be, and the same is hereby amended to read as follows:

39-4804. NOTIFICATION TO PARENT OR GUARDIAN. (1) Before an immunization is administered to any child in this state, the parent or guardian of the child shall be notified that:

~~(1a)~~ Immunizations are not mandatory and may be refused on religious or other grounds;

~~(2b)~~ Participation in the immunization registry is voluntary;

1 ~~(3c)~~ The parent or guardian is entitled to an accurate explanation of
2 the complications known to follow such immunization.

3 (2) At the time information is initially collected regarding any child
4 for entry into the registry created pursuant to this chapter, the parent or
5 guardian shall be notified that:

6 (a) They have the right under Idaho law to submit a statement pursuant
7 to the provisions of sections 39-1118 and 39-4802, Idaho Code, which ex-
8 empts them from any requirement to have information regarding the child
9 entered into the registry;

10 (b) At any time they have the right to remove any information from the
11 registry regarding the child; and

12 (c) Immunizations are not mandatory and may be refused on religious or
13 other grounds.

14 (3) The decision of a parent or guardian to:

15 (a) Submit a statement pursuant to the provisions of either section
16 39-1118(2) or 39-4802(2), Idaho Code;

17 (b) Remove any information regarding the child from the registry pur-
18 suant to the provisions of section 39-4803(4), Idaho Code; or

19 (c) Refuse the immunization on religious or other grounds;

20 shall not be used in any manner against the interests of the parent or
21 guardian in any administrative, civil or criminal action.